

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FIREMAN'S FUND,)	8:03CV341
)	
Plaintiff,)	
)	
v.)	ORDER
)	
STRUCTURAL SYSTEMS)	
TECHNOLOGY, INC.,)	
)	
Defendant.)	
_____)	
)	
STRUCTURAL SYSTEMS)	
TECHNOLOGY, INC.,)	8:04CV194
)	
Plaintiff,)	
)	
v.)	ORDER
)	
NATIONAL FIRE & MARINE)	
INSURANCE CO., et al.)	
)	
Defendants.)	

This matter is before the court on the motions of National Fire & Marine (Filing No. 133 in 8:04CV194) and Fireman's Fund (Filing No. 136 in 8:04CV194 and Filing No. 74 in 8:03CV341) for reconsideration of this court's order denying motions for leave to add a necessary party (Filing No. 131 in 8:04CV194 and Filing No. 72 in 8:03CV341). The court has considered the parties' arguments and again finds that the motion for leave to add a necessary party should be denied.

Whether National Fire & Marine's policy is primary or excess is of no consequence to this determination. The policies issued by the insurers who are parties to this litigation either provide coverage or not, irrespective of any alleged coverage under another excess

or umbrella policy. Aggrieved parties can obtain redress for any purported coverage in a separate action, if necessary. Accordingly,

IT IS ORDERED:

1. National Fire & Marine's motion to reconsider (Filing No. 133) is denied; and
2. Fireman's Fund's motion to reconsider (Filing No. 136) is denied.

DATED this 28th day of March, 2006.

BY THE COURT:

s/Joseph F. Bataillon
United States District Judge